

PATENT

Atty. Dkt. No. ATT-027PUS (ATT/2000-0575)

REMARKS

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated or made obvious under the provisions of 35 U.S.C. § 102 and § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-17 UNDER JUDICIALLY CREATED DOCTRINE OF DOUBLE PATENTING

The Examiner rejected claims 1-17 under judicially created doctrine of double patenting over claims 1-26 of copending Application No. 09/940,020.

Responsive to the Examiner, claims 1, 4-7, and 10-17 have been canceled without prejudice. Thus, the present rejection is now moot with respect to these canceled claims. However, the Applicants reserve the rights to file one or more continuation applications to continue prosecution of these canceled claims.

Applicants provisionally agree to file a terminal disclaimer, if necessary, to overcome the present judicially created doctrine of double patenting for the remaining claims in the present application. Since the copending Application No. 09/940,020 is still pending, Applicants submit that the terminal disclaimer will be filed only when there is indication that the alleged conflicting claims have in fact been patented and all other rejections against the pending claims of the present invention have been resolved.

II. REJECTION OF CLAIMS 1, 4-7 AND 12 UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1, 4-7, and 12 in the Office Action under 35 U.S.C. § 102 as being anticipated by Tomioka et al. (US Patent 5,452,115A). Claims 1, 4-7, and 12 have been canceled without prejudice. The rejection is now moot. However, Applicants reserve the rights to file one or more continuation applications to continue prosecution of these canceled claims.

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III. REJECTION OF CLAIMS 10, 11 AND 13-17 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 10, 11, and 13-17 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Tomioka et al. (US Patent 5,452,115A).

Claims 10, 11, and 13-17 have been canceled without prejudice. The rejection is now moot. However, Applicants reserve the rights to file one or more continuation applications to continue prosecution of these canceled claims.

IV. ALLOWABLE SUBJECT MATTER

The Examiner objected to claims 2, 3, 8 and 9 for depending upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended claims 2, 3, 8 and 9 into independent claim form. Applicants submit that claims 2, 3, 8 and 9 are now in allowable form.

Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §102 and §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

9/30/04

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